

Exhibit F

1
2 DEPARTMENT OF DEFENSE
3 CIVILIAN PERSONNEL MANAGEMENT SERVICE
4 OFFICE OF COMPLAINT INVESTIGATIONS
5 NATIONAL CAPITAL REGION

6 FACT FINDING CONFERENCE
7

8 IN THE COMPLAINT OF:

9 MS. EVELYN MCKINLEY

10 ACTIVITY NUMBER: ARMCCOY03MAR0027

11 CONVENED AT

12 99th REGIONAL SUPPORT COMMAND
13 1605 Coraopolis Heights Road
14 Westpointe Corporate Center Three
15 Coraopolis, PA 15108-4310
16

17 Wednesday, December 3, 2003

18 BEFORE:

19 Sharon T. Jenkins

20 Complaints Investigator

OCI-Columbia

Columbia Corporate Park I

21 8850 Stanford Boulevard, Suite 3200

22 Columbia, MD 20145-4753
23

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APPEARANCES:

Neal A. Sanders, Esquire
Law Offices of Neal A. Sanders
1924 North Main Street Extension
Butler, PA 16001
Appearing on behalf of the Complainant
Carla J. Hughey, Esquire
Fort McCoy
JA (AFRC-FM-JA)
100 E. Headquarters Road
Fort McCoy, WI 54656-5263
Appearing on behalf of Respondent

PRESENT:

Tom Karns, observer

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P R O C E E D I N G S

MRS. JENKINS: Let the record begin. Let the record begin. It is 8:53 on December 3rd, 2003. This is a Fact-Finding Conference being held at the 99th Regional Support Command located in Coraopolis, Pennsylvania.

This Fact-Finding Conference is to investigate the formal discrimination complaint of Miss Evelyn McKinley. The agency docket number is ARMCCOY03MAR0027. Again, I'm Sharon Jenkins with the Department of Defense, Civilian Personnel Management Service, Office of Complaint Investigations.

This proceeding is an administrative investigation conducted in accordance with Section 1614 of the Title 29 of the Code of Federal Regulations.

Its purpose is to establish a record of evidence relevant to the issues that the agency has accepted for this investigation and to do so in a manner that affords both parties a fair opportunity to present their facts and position in the record.

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I N D E X P A G E

EXAMINATION:

WITNESSES:

Evelyn McKinley	
by Mrs. Jenkins	14, 74, 83
by Mr. Sanders	56, 82, 84
by Mrs. Hughey	77
Jimmy Edward Keener	
by Mrs. Jenkins	85, 118
by Mr. Sanders	107, 120
by Mrs. Hughey	120
Larry Flynn	
by Mrs. Jenkins	123, 147
by Mr. Sanders	138, 147
Mr. Hughey	145
Donald Eugene Wetzel	
by Mrs. Jenkins	150
by Mr. Sanders	162, 167
by Mrs. Hughey	166

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Present at this time we have the complainant, Miss Evelyn McKinley, her representative, Mr. Neal Sanders. Mr. Tom Karns is an observer here with Miss McKinley, and the agency representative is Miss Carla Hughey.

Because the complainant's allegations are made against the agency, Miss Hughey is here to represent the agency and not any specific management official.

Our court reporter is Donna McMullen who will record the verbatim testimony of this proceeding.

The parties are advised that the information provided here is not to be considered confidential and that it may be placed in the file if shown to the interested parties.

At this time, Miss McKinley, I'd like to swear you in. Do you have any objection to swearing under oath?

MISS MCKINLEY: No.

MRS. JENKINS: Raise your right hand.

EVELYN MCKINLEY, the Complainant herein, having been first duly sworn, testified as follows:

MRS. JENKINS: I'm using a script format to

2 (Pages 2 to 5)

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1 Q whether it involves taking a phone off the wall or
 2 repairing an engine or anything like that?
 3 A No.
 4 Q What's the no part?
 5 A We don't take phones off the wall. That's done by
 6 the engineers.
 7 Q In order for the engineers to do it do you think the
 8 engineers work off work orders? Do you think they
 9 work by themselves?
 10 A Yes, they do.
 11 MR. SANDERS: Thank you. That's all I have.
 12 MRS. JENKINS: Any follow-up for Mr. Keener?
 13 Miss Hughey?
 14 MS. HUGHEY: No.
 15 MRS. JENKINS: Is there anything you want to
 16 add as far as your involvement with these issues
 17 that we've been discussing?
 18 THE WITNESS: No.
 19 MRS. JENKINS: Thank you for your time. I ask
 20 that you not discuss your testimony, and we will go
 21 off the record.
 22 (witness excused.)
 23 (recess)

1 based on sex and physical handicap please state for
 2 the record your sex.
 3 A Male.
 4 Q And do you have a handicap?
 5 A No, ma'am.
 6 Q Now, what is your current position, title, series
 7 and grade?
 8 A I am a heavy mobile equipment work leader and I'm a
 9 WL8, Step 5.
 10 Q And the organization that you work for?
 11 A ECS103 in Geneva, Pa.
 12 Q Excuse me?
 13 A In Geneva, Pa.
 14 Q And how long have you held that position?
 15 A I think this is my third year.
 16 Q What was your work relationship with the
 17 complainant?
 18 A She was in my team.
 19 Q So you were her team leader?
 20 A Yes, ma'am.
 21 Q How long were you her team leader?
 22 A '99 or 2000 to present. I'm not sure exactly.
 23 Q Have you been a team leader the entire --

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1 BY MRS. JENKINS:
 2 Q we'll go on the record. The next witness is
 3 Mr. Flynn. You've been called as a witness
 4 regarding Miss McKinley's EEO complaint. I'll be
 5 asking you questions regarding the accepted issues,
 6 what knowledge do you have, if any, what was your
 7 direct involvement.
 8 A Yes, ma'am.
 9 Q You're advised that the information that is provided
 10 here is not considered confidential. Interested
 11 parties may have access to reviewing all of the
 12 testimony gathered for this complaint.
 13 A I understand.
 14 Q Do you have any objection to swearing under oath?
 15 A No, I do not.
 16 Q Please raise your right hand.
 17 LARRY LEWIS FLYNN, the witness herein, having
 18 been first duly sworn, testified as follows:
 19 EXAMINATION
 20 BY MRS. JENKINS:
 21 Q For the record please state your full name.
 22 A Larry Lewis Flynn.
 23 Q And because Miss McKinley is alleging discrimination

1 A No, ma'am.
 2 Q -- three years? And who was your supervisor, your
 3 first line?
 4 A Mr. Keener.
 5 Q Do you have a second line supervisor?
 6 A No, ma'am.
 7 Q The complainant alleges she has a physical handicap.
 8 Do you have any knowledge of her handicap?
 9 A The day she got hurt, I -- the only knowledge I
 10 know of -- I took her to the hospital personally.
 11 Q Okay.
 12 A I seen her in the shop a series of times. That's
 13 all I'm aware of.
 14 Q Do you perceive her as being disabled?
 15 A I can't answer that.
 16 Q Do you know if she has provided management with any
 17 documentation to support that she has a handicap?
 18 A I do not know that.
 19 Q Do you know how her injury affects her performance,
 20 affects her performing the duties of her position?
 21 A I can only assume that she's having back problems
 22 and there is a series of things we have to pick up,
 23 so I would assume that has something to do with it.

32 (Pages 122 to 125)